

**DECLARATION OF
DOROTHY ROSENSWEIG, ESQ.
EXHIBIT J**

The Roth Law Firm, PLLC

545 Fifth Avenue, Suite 960

New York, New York 10017

Tel.: (212) 542-8882 Facsimile: (212) 542-8883

April 7, 2008

Via Electronic Mail

Dorothy Rosensweig, Esq.

Epstein, Becker & Green, P.C.

250 Park Avenue

New York, New York 10177

Re: Augustine v. AXA Financial, Inc.

Dear Dotty:

The purpose of this letter is to object to Defendant's designation as "Confidential" certain documents produced in response to Plaintiff's First Request for Production to Defendant. We make this objection prior to making our application to the Court.

On March 12, 2008, Plaintiff's counsel received 3,538 documents on a CD from Defendant's counsel, *all of which were marked "Confidential."* On March 27, 2008, I sent a letter to you detailing which of Defendant's responses were substantively deficient. In addition, that letter addressed Plaintiff's responses which you believed were substantively insufficient. Thereafter, upon further review of Defendant's document production, it appears that Defendant wrongfully marked non-confidential documents as "Confidential."

Specifically, Paragraph three of the Stipulation and Order Governing the Protection and exchange of Confidential Material ("Confidentiality Order"), which was drafted by your firm, provides:

For purposes of this Order, information considered to be confidential or proprietary includes, but is not limited to: (1) payroll, compensation and personnel records of current and former employees of defendant; (2) business and marketing policies, procedures, plans, and strategies, (3) personnel information or policies; (4) defendant's financial, commercial or other proprietary information not readily available to the general public; and (5) medical records of Plaintiff and/or her daughter Megan McEvoy (collectively "Confidential Material").

Below is a table listing the bates numbers of the documents that are not subject to the Confidentiality Order, and, therefore, were improperly marked "Confidential."

NO.	BATES NO.
1	25
2	26
3	27

4	38
5	44
6	45
7	122
8	124
9	125
10	440
11	452
12	530
13	533
14	539
15	597
16	598
17	643
18	644
19	645
20	646
21	857
22	873
23	886
24	887
25	888
26	1129
27	1134
28	1206
29	1310
30	1311
31	1828
32	1834
33	2040
34	2088
35	2090
36	2091
37	2153
38	2233
39	3037

Please immediately produce to us the above documents with their original bates stamp numbers and without the designation "Confidential." Otherwise, pursuant to the Confidentiality Order, we will apply to the Court.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Betsy K. Silverstine

cc: Anna Cohen, Esq.

The Roth Law Firm, PLLC

545 Fifth Avenue, Suite 960
New York, New York 10017
Tel.: (212) 542-8882 Facsimile: (212) 542-8883

April 9, 2008

Via Electronic Mail

Dorothy Rosensweig, Esq.
Epstein, Becker & Green, P.C.
250 Park Avenue
New York, New York 10177

Re: Augustine v. AXA

Dear Dotty:

I am writing in response to your letter of yesterday.

I. Plaintiff's Responses to Defendant's Document Requests

A. Privilege Log

TYPE OF DOCUMENT	NO. OF PAGES	DATE(S)	AUTHOR(S)	ADDRESSEE(S)	SUBJECT	BASIS
Memorandum	3	Unknown	Liz Augustine, Betsy Silverstine	N/A	Claims against AXA, timeline, strategy	Attorney-Client; Attorney Work Product
Memorandum	5	Unknown	Liz Augustine, Betsy Silverstine	N/A	Claims against AXA, strategy, settlement discussion	Attorney-Client; Attorney Work Product
Email correspondence	various	various	Richard Roth, Betsy Silverstine	Liz Augustine	Legal claims, strategy, status	Attorney-Client; Attorney Work Product
Email correspondence	various	various	Liz Augustine	Richard Roth, Betsy Silverstine	Legal claims, strategy, status	Attorney-Client; Attorney Work Product

B. Time Limitations.

No responsive documents have been withheld based on time limitations.

C. Document Requests 8, 9 and 45

No responsive documents have been withheld.

D. Document Request 11

Responsive documents have been produced and are bates stamped P215, P216.

E. Document Request 42

Attached are responsive documents, which are bates stamped P266, P267, P268.

II. Additional Documents Wrongfully Marked "Confidential"

NO.	BATES NO.
40	3524-3538

Should you have any questions, please do not hesitate to contact me.

Sincerely,


Betsy K. Silverstine

cc: Anna Cohen, Esq.